IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO: 24078 of 2004**

Between:

Bijjam Srinivasulu Reddy S/o.Subbarami Reddy
Buchireddypalem Village&Mandal, Nellore Dist.

**... PETITIONER**

**AND**

1 The Revenue Divisional Officer,Kavali
2 The Mandal Revenue Officer Sangam (M),
Nellore Dist.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, writ or direction more particularly a Writ of Mandamus under Article 226 of Constitution of India, declaring the action of 1st respondent in not considering the stay petition filed along with the statutory appeal dt 13-12-2004 filed against the orders of 2nd respondent in his proceedings Rc.No.179/2204 dt 10-8-2004 in respect of Acs.3.19 cents in Survey No.417/4; Acs.4.48 cents in Survey No.415-4 and Acs.5.36 cents of land in Survey No.418/1 situated in Tarunavaya village, Sangam, Mandal, Nellore Dist pending the statutory appeal and further action of the 2nd respondent in seeking to dispossess the petitioner form the above said extent of land as illegal, arbitrary, unjust and consequently suspend the orders of the 2nd respondent in his proceedings Rc.No.179/2004
dt 10-8-2004 pending the appeal before the 1st respondent.

**Counsel for the Petitioner: MR.P.SRIDHAR REDDY**

**Counsel for the Respondents: GP FOR REVENUE**

The Court, at the admission stage, made the following:

## ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

2. In this writ petition, petitioner is challenging the order dated 10-08-2004 passed by the second respondent in R.C.No.179/2004 in respect of Ac.5.36 cents of dry land comprised in Sy.No.418/1, Ac.4.48 cents of dry land in Sy.No.415/4 and Ac.3.19 cents of dry land in Sy.No.417/4 of Tarunavaya Village, Sangam Mandal, Nellore District. The impugned orders were passed by the second respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It is submitted that against the orders passed by the second respondent, petitioner already preferred an appeal before the first respondent – Revenue Divisional Officer, under Section 4 a (1) of the Act, which is pending on the file of the first respondent and the respondents are trying to evict the petitioner without passing any orders on the appeal.

3. In the circumstances, the writ petition is disposed of directing the first respondent – Revenue Divisional Officer to consider the appeal and the stay application said to have been filed by the petitioner and pass appropriate orders either on the stay application or the appeal, in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

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**N.V. RAMANA, J**

December 23, 2004

**MRR / TVK**

ASSISTANT REGISTRAR

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SECTION OFFICER

Copy to:

1 The Revenue Divisional Officer, Kavali
2 The Mandal Revenue Officer, Sangam Mandal, Nellore District

3 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

4 Two C.D. Copies.